

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4696 of 1995

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KAMLABEN UMIYASHANKAR TRIVEDI &2

Versus

SPL.LAND ACQUISITION OFFICER &1

Appearance:

MR GM AMIN for appellants.

Mr.M.R. ANAND, G.P. WITH MR. L.R. PUJARI for respondent
no.1

MR AJAY R MEHTA for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 25/04/96

ORAL JUDGEMENT

1. Admitted. Mr. M.R. Anand, learned G.P. appears for respondent no.1 and Mr. A.R. Mehta for respondent no.2. At the joint request of learned counsel for the parties, the appeal is taken up for final hearing today.

2. The present appeal is one under section 54 of the Land Acquisition Act read with section 96 CPC,

challenging the judgement and award of the District Court under section 18 of the Land Acquisition Act in L.A.R. Case No.1065/87, filed by the original claimant.

3. Learned counsel for the appellant submits that all relevant and pertinent facts pertaining to the present appeal are common with those in another group of Land Reference Cases, from which the claimants had preferred appeals to this court, and which have been partly allowed by a Division Bench of this Court (Coram: N.J. Pandya & A.R. Dave JJ.) by the judgement and order dated 19th January 1996 in First Appeal Nos.2386/92 to 2395/92.

4. Both the learned counsel for the respondents, after having perused the aforesaid decision of the Division Bench, agree that all relevant and material factors which would ultimately govern the determination of the market value of the lands under acquisition are common and/or comparable with those dealt with by the said Division Bench judgement, and that therefore the land value of the acquired lands as determined in the said Division Bench judgement would be in the nature of a binding precedent.

5. In the instant case the District Court in its award under section 18 of the said Act has determined the market value at Rs.6.50ps. per square meter, whereas under the aforesaid Division Bench decision such market value would be Rs.17/- per square meter. Accordingly the market value of the lands under acquisition in the present appeal is hereby determined at Rs.17/- per square meter, and the appellants-claimants would be entitled to a consequential additional amount on this basis. This appeal is, therefore, partly allowed with no orders as to costs.

5. It is clarified that the claimants would also be entitled to all consequential benefits such as interest, solatium, etc., on such additional amount on the same principle as awarded by the District Court. It is further directed that the respondents herein shall deposit the entire decretal amount with costs and interest in the trial court latest by 26th July 1996.

6. Decree accordingly.
